

SIXTY-SECOND DAY
(Thursday, May 9, 1991)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Glasgow.

A quorum was announced present.

Monsignor Lonnie Reyes, St. Julia Catholic Church, Austin (guest of Senator Barrientos), offered the invocation as follows:

Almighty God, giver of life, love, and liberty, send Your spirit upon Your servants chosen by Your people, to deliberate and serve the cause of the common good. Help all of us to understand, respect, and improve our system of justice. Let Your lawmakers be just and merciful, that the difficult and delicate balance between the rights of the individual and the society be maintained and that implementation of the one not detract from the other. Let the interest of the one be the special interest of all for the common good.

Renew in our minds a knowledge of self, a knowledge of people and a knowledge of God whose wisdom, presence and beauty are ever ancient and ever new.

We ask Your blessings on the families of our Senators: keep them in Your love, Your peace and in good health and spirit. Lord, bless our families with love, our country with peace, our souls with tranquility, our lives with balance and conviction, and a good sense of humor and joy. We ask this in Your name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

CO-AUTHOR OF SENATE JOINT RESOLUTION 39

On motion of Senator Zaffirini and by unanimous consent, Senator Ellis will be shown as Co-author of S.J.R. 39.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 130

On motion of Senator Brooks and by unanimous consent, Senator Glasgow will be shown as Co-author of S.C.R. 130.

CO-AUTHOR OF SENATE RESOLUTION 704

On motion of Senator Montford and by unanimous consent, Senator Barrientos will be shown as Co-author of S.R. 704.

CO-AUTHOR OF SENATE BILL 1184

On motion of Senator Zaffirini and by unanimous consent, Senator Ellis will be shown as Co-author of S.B. 1184.

CO-AUTHOR OF SENATE BILL 1392

On motion of Senator Zaffirini and by unanimous consent, Senator Ellis will be shown as Co-author of S.B. 1392.

CO-AUTHORS OF SENATE BILL 1406

On motion of Senator Zaffirini and by unanimous consent, Senators Brooks, Johnson, Lucio, Tejeda and Truan will be shown as Co-authors of S.B. 1406.

CO-AUTHOR OF SENATE BILL 1425

On motion of Senator Zaffirini and by unanimous consent, Senator Ellis will be shown as Co-author of S.B. 1425.

CO-AUTHOR OF SENATE BILL 1495

On motion of Senator Parker and by unanimous consent, Senator Johnson will be shown as Co-author of S.B. 1495.

MESSAGE FROM THE HOUSE

House Chamber
May 9, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 2161, Relating to the financing of heavy commercial vehicles.

H.B. 378, Relating to requiring a hearing to determine whether the amount of bond in a criminal case should be reduced.

H.B. 2667, Relating to the coverage of a traveling or city salesman under the Texas Unemployment Compensation Act.

H.B. 1492, Relating to the imposition of a cost of court on felony convictions and certain misdemeanor convictions.

H.B. 1749, Relating to the offense of aggravated assault of an operator of a mass transportation vehicle or taxicab.

H.B. 1200, Relating to the application of the Professional Services Procurement Act to legal services.

H.B. 2825, Relating to an action on a debt secured by real property sold at a judicial or nonjudicial foreclosure sale.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

PERMISSION TO INTRODUCE BILLS

Senator Brooks moved to suspend Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) to permit the introduction of the following bills:

S.B. 1577	S.B. 1583
S.B. 1578	S.B. 1584
S.B. 1579	S.B. 1585
S.B. 1580	S.B. 1586
S.B. 1581	S.B. 1587
S.B. 1582	S.B. 1588

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Lyon.

Absent-excused: Glasgow.

(Senator Sims in Chair)

REPORTS OF STANDING COMMITTEES

Senator Green submitted the following report for the Committee on Jurisprudence:

C.S.S.B. 803
C.S.H.B. 1186

Senator Glasgow submitted the following report for the Committee on State Affairs:

H.B. 725
H.B. 2699
H.B. 490
H.B. 897
S.B. 1572
C.S.H.B. 235
C.S.S.B. 1381

Senator Sims submitted the following report for the Committee on Natural Resources:

S.B. 1515
S.B. 1498
H.B. 2503
H.B. 1966
H.B. 1774
H.B. 1741
H.B. 676
H.B. 1192
H.B. 426
H.B. 881
H.B. 1425 (Amended)
C.S.H.B. 1773
C.S.S.B. 1559

Senator Parker submitted the following report for the Committee on Education:

H.B. 776
S.B. 1416
H.B. 1432
H.B. 891
H.B. 628

H.B. 43
H.B. 103
C.S.S.B. 1357
C.S.S.B. 1013
C.S.S.B. 591
C.S.H.B. 1679

SENATE BILLS ON FIRST READING

Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) having been suspended, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1577 by Bivins Finance
Relating to appraisal of property exempt from taxation under Article VIII, Section 1-j of the Texas Constitution.

S.B. 1578 by Truan Jurisprudence
Relating to the County Court at Law of San Patricio County.

S.B. 1579 by Brooks, Brown, Montford, Dickson, State Affairs
Glasgow, Green, Johnson, Moncrief, Parker, Rosson, Sims, Whitmire, Zaffirini
Relating to the creation of an executive committee of the Board of Pardons and Paroles for the administration and operation of the board.

S.B. 1580 by Whitmire State Affairs
Relating to the resale of beer by certain distributors.

S.B. 1581 by Green Jurisprudence
Relating to additional requirements for certain replats.

S.B. 1582 by Brooks Economic Development
Subcommittee on Insurance
Relating to certain requirements for policies of windstorm and hail insurance issued by the Texas Catastrophe Property Insurance Association.

S.B. 1583 by Brooks Economic Development
Subcommittee on Insurance
Relating to certain rate and reinsurance requirements for property and other risks insured through the Texas Catastrophe Property Insurance Association.

S.B. 1584 by Brooks Economic Development
Subcommittee on Insurance
Relating to inspections required for certain windstorm and hail insurance coverage.

S.B. 1585 by Brooks Economic Development
Subcommittee on Insurance
Relating to claims disputes with the Texas Catastrophe Property Insurance Association.

S.B. 1586 by Brooks Economic Development
Subcommittee on Insurance
Relating to the composition of the board of directors and operation of the Texas Catastrophe Property Insurance Association.

S.B. 1587 by Brooks Economic Development
Subcommittee on Insurance
Relating to liability limitations on certain policies of windstorm and hail insurance issued by the Texas Catastrophe Property Insurance Association.

S.B. 1588 by Moncrief Natural Resources
Relating to the investigation and the inspection of conditions relating to water quality in certain watersheds by the Tarrant County Water Control and Improvement District Number One.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 9, To Committee on Criminal Justice.
H.B. 76, To Committee on State Affairs.
H.B. 191, To Committee on Finance.
H.B. 225, To Committee on State Affairs.
H.B. 319, To Committee on State Affairs.
H.B. 456, To Committee on Natural Resources.
H.B. 501, To Committee on Education.
H.B. 595, To Committee on Economic Development,
Subcommittee on Insurance.
H.B. 703, To Committee on Economic Development.
H.B. 864, To Committee on Finance.
H.B. 914, To Committee on Intergovernmental Relations.
H.B. 925, To Committee on Health and Human Services.
H.B. 984, To Committee on State Affairs.
H.B. 1290, To Committee on Intergovernmental Relations.
H.B. 1336, To Committee on Jurisprudence.
H.B. 1351, To Committee on Criminal Justice.
H.B. 1421, To Committee on Natural Resources.
H.B. 1469, To Committee on Criminal Justice.
H.B. 1473, To Committee on Economic Development.
H.B. 1485, To Committee on Education.
H.B. 1494, To Committee on State Affairs.
H.B. 1495, To Committee on Health and Human Services.
H.B. 1560, To Committee on Economic Development.
H.B. 1659, To Committee on State Affairs.
H.B. 1704, To Committee on Health and Human Services.
H.B. 1711, To Committee on Criminal Justice.
H.B. 1762, To Committee on Natural Resources.
H.B. 1763, To Committee on Natural Resources.
H.B. 1771, To Committee on Natural Resources.
H.B. 1838, To Committee on Criminal Justice.
H.B. 1901, To Committee on Intergovernmental Relations.
H.B. 1976, To Committee on Health and Human Services.
H.B. 1984, To Committee on Health and Human Services.
H.B. 1986, To Committee on Natural Resources.
H.B. 2004, To Committee on Health and Human Services.
H.B. 2046, To Committee on Finance.
H.B. 2102, To Committee on Education.
H.B. 2103, To Committee on Natural Resources.
H.B. 2181, To Committee on Intergovernmental Relations.
H.B. 2214, To Committee on Natural Resources.
H.B. 2215, To Committee on Natural Resources.
H.B. 2223, To Committee on Natural Resources.
H.B. 2252, To Committee on Jurisprudence.
H.B. 2322, To Committee on Intergovernmental Relations.

H.B. 2353, To Committee on Health and Human Services.
H.B. 2361, To Committee on Natural Resources.
H.B. 2382, To Committee on Natural Resources.
H.B. 2383, To Committee on Natural Resources.
H.B. 2399, To Committee on Natural Resources.
H.B. 2465, To Committee on Natural Resources.
H.B. 2482, To Committee on Education.
H.B. 2505, To Committee on Natural Resources.
H.B. 2556, To Committee on State Affairs.
H.B. 2578, To Committee on Finance.
H.B. 2694, To Committee on Criminal Justice.
H.B. 2760, To Committee on Natural Resources.
H.B. 2788, To Committee on Jurisprudence.
H.B. 2793, To Committee on Intergovernmental Relations.
H.B. 2817, To Committee on Natural Resources.

(President in Chair)

BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolution:

S.C.R. 122
S.B. 32
S.B. 239
S.B. 615
S.B. 729
S.B. 843
S.B. 1131
S.B. 1290

SENATE RESOLUTION 704

Senator Montford offered the following resolution:

WHEREAS, The Texas Senate is proud to recognize Larry Dale Kopp as he passes another milestone on his journey toward retirement, the occasion of his sterling silver jubilee anniversary as a staffer with the Legislative Budget Board; and

WHEREAS, A native Texan, he was born December 11, 1942, in Hamilton, and later moved to the town of Indian Gap, where he is still known to many by his tribal name, Dances With Slide Rule; and

WHEREAS, Voted "Most Likely to Wind Up a State Employee" by his exclusive class of 12 students at Pottsville High School, he set out to prove that he was not willing to coast through life on the strength of his good looks alone and attended Tarleton State College and Texas A&M University, graduating in 1964; and

WHEREAS, Having decided to sit out the turbulent sixties, he stumbled into indentured servitude with the Legislative Budget Board on May 9, 1966, in the forlorn hope of gaining some quick experience before pursuing a more glamorous career in international finance; and

WHEREAS, Despite his original intent, he has remained a lifer with the Legislative Budget Board where his colleagues have learned to cope with his mercurial personality and appreciate his ribald humor; and with his ability to stretch a buck, a highly desirable trait for one who is living on a state salary and working with the Senate Finance Committee; and

WHEREAS, Since talking Sue Newsom into marriage in 1961, Mr. Kopp has been a devoted family man; he is the proud father of two sons, Jerald and John, and

his inspirational example has launched them on equally scintillating careers in state service; and

WHEREAS, Still unbowed after 25 years of service with the Legislative Budget Board, Larry Kopp has earned the respect and admiration of all who have had the patience to work with him; he is indeed deserving of our worst sarcasm and our best wishes as he celebrates this momentous occasion; now, therefore, be it

RESOLVED, That the Senate of the State of Texas hereby honor Larry Dale Kopp on his exceptional tenure with the Legislative Budget Board and commend him for his many years of distinguished service to the State of Texas; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Mr. Kopp as a special memento of this occasion from his friends in the Texas Senate.

MONTFORD
BARRIENTOS

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Montford, the resolution was adopted by a viva voce vote.

(Senator Brooks in Chair)

SENATE BILL 177 WITH HOUSE AMENDMENT

Senator Brown called S.B. 177 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment - Ogden

Amend S.B. 177 by substituting the following:

A BILL TO BE ENTITLED AN ACT

relating to the collection and preservation of evidence of a sexual assault or other sex offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 44, Health and Safety Code, as revised by Senate Bill 404, Acts of the 72nd Legislature, Regular Session, 1991, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B.COLLECTION AND PRESERVATION OF EVIDENCE OF SEX OFFENSE

Sec. 44.031. EVIDENCE COLLECTION PROTOCOL; KITS. (a) The service shall develop and distribute to law enforcement agencies and proper medical personnel an evidence collection protocol that shall include collection procedures and a list of requirements for the contents of an evidence collection kit for use in the collection and preservation of evidence of a sexual assault or other sex offense. If medical personnel or a law enforcement agency collects evidence of a sexual assault or other sex offense, the medical personnel or the law enforcement agency shall obtain and use an evidence collection kit as prescribed by the service.

(b) An evidence collection kit must contain the following items:

(1) items to collect and preserve evidence of a sexual assault or other sex offense; and

(2) other items recommended by the Evidence Collection Protocol Advisory Committee of the board and determined necessary for the kit by the board.

(c) In developing evidence collection procedures and requirements, the service shall consult with individuals and organizations having knowledge and experience in the issues of sexual assault and other sex offenses.

(d) A law enforcement agency that requests a medical examination of a victim of an alleged sexual assault or other sex offense for use in the investigation or prosecution of the offense shall pay the costs of the evidence collection kit. This subsection does not require a law enforcement agency to pay any costs of treatment for injuries.

(e) Evidence collected under this section may not be released unless the survivor of the offense or a legal representative of the survivor signs a written consent to release the evidence.

(f) Failure to comply with evidence collection procedures or requirements adopted under this section does not affect the admissibility of the evidence in a trial of the offense.

SECTION 2. Sections 44.001-44.010, Health and Safety Code, as revised by Senate Bill 404, Acts of the 72nd Legislature, Regular Session, 1991, are designated as Subchapter A of Chapter 44, Health and Safety Code, and a subchapter heading is added to Chapter 44, immediately before Section 44.001 to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 3. The Sexual Assault Prevention and Crisis Service of the Texas Department of Health shall develop a list of requirements for the contents of an evidence collection kit, as required by Section 44.031, Health and Safety Code, as added by this Act, not later than October 1, 1992, and distribute the list of requirements to law enforcement agencies and proper medical personnel as soon as possible after developing the list.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Brown moved to concur in the House amendment to S.B. 177.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

(President in Chair)

CAPITOL PHYSICIAN

Senator Leedom was recognized and presented Dr. M. Shash Rao of Mesquite.

Dr. Rao, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced Jesus G. Preciado, Consul General of Mexico at Laredo.

The Senate welcomed this guest.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Barrientos.

Senator Barrientos moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

Senator Green requested Ms. Eileen Frances O'Neill, to be Judge, 190th Judicial District Court, Harris County, be severed and left pending.

Senator Parker requested Paul H. Ellis, to be a Member, Board of Directors, Texas Guaranteed Student Loan Corporation, be severed and left pending.

Senator Johnson requested Donald W. Sowell, to be a Member, Board of Directors, Texas Housing Agency, be severed and left pending.

Senator Barrientos requested Dr. George Willeford III, to be a Member, State Banking Board, be severed and left pending.

The requests were granted.

NOMINEES CONFIRMED

The following nominees, not severed and reported yesterday by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

Member, Board of Directors, Texas Guaranteed Student Loan Corporation: MARK GRIFFIN, Lubbock County.

Member, Board of Directors, Texas Housing Agency: PAUL R. RODRIGUEZ, Hidalgo County.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Health and Human Services might consider H.B. 925 today.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Sims and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Natural Resources might consider H.B. 2103 today.

SENATE BILL 144 WITH HOUSE AMENDMENT

Senator Green called S.B. 144 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment - Harris

Amend S.B. 144 by substituting the following:

**A BILL TO BE ENTITLED
AN ACT**

relating to the regulation of wild animals in a county with a population of 2.4 million or more.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 240, Local Government Code, is amended by adding Section 240.0025 to read as follows:

Sec. 240.0025. REGULATION IN POPULOUS COUNTIES. (a) The commissioners court of a county with a population of 2.4 million or more by order may prohibit or regulate the keeping of a wild animal in the county.

(b) The order does not apply:

(1) inside the limits of a municipality; or

(2) to an exhibitor licensed under the Animal Welfare Act, 7 U.S.C.

Sec. 2131 et seq.

(c) In this section, "wild animal" has the meaning assigned by Section 12.601, Parks and Wildlife Code.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Green moved to concur in the House amendment to S.B. 144.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

SENATE BILL 356 WITH HOUSE AMENDMENT

Senator Green called S.B. 356 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment - Willy

Amend S.B. 356 by substituting the following:

A BILL TO BE ENTITLED AN ACT

relating to the authority of counties to regulate alarm systems; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 7, Local Government Code, is amended by adding Chapter 237 to read as follows:

CHAPTER 237. COUNTY REGULATION OF ALARM SYSTEMS

Sec. 237.001. DEFINITIONS. In this chapter:

(1) "Alarm site" means the specific property or area of the premises on or within which an alarm system is installed or placed.

(2) "Alarm system" means an alarm signal device, burglar alarm, heat or motion sensor, or other electrical, mechanical, or electronic device used:

(A) to prevent or detect burglary, theft, pilferage, fire, or other loss of property;

(B) to prevent or detect intrusion; or

(C) primarily to detect and summon aid for other emergencies.

(3) "False alarm" means an alarm signal received by a law enforcement official that is later determined not to involve a criminal offense, attempted criminal offense, fire, or other emergency.

Sec. 237.002. AUTHORITY TO REGULATE; ADOPTION OF RULES.

(a) The commissioners court of a county by order may authorize the sheriff of a county to:

- (1) propose rules to implement this chapter;
- (2) regulate the incidence of and response to false alarms in accordance with the rules proposed by the sheriff and adopted or modified by the commissioners court under this chapter;
- (3) establish procedures for application for and renewal and revocation of an alarm system permit;
- (4) establish procedures that include notice to the permit holder and an opportunity for a hearing for permit revocation or suspension if the permit holder violates this chapter or an order of the commissioners court or a rule adopted under this chapter;
- (5) establish fees in accordance with this chapter for the issuance of the permits;
- (6) require that any permit issued under this chapter be kept at the alarm site and produced for inspection on request of the sheriff or the sheriff's representative;
- (7) require that a permit must be issued and unrevoked before a sheriff or other law enforcement official may respond; and
- (8) establish a number of free false alarms for each category of alarm system and impose a service response fee for any alarm in excess of the number of free responses within the preceding 12-month period.
- (b) A county may not impose a penalty or fee for the signaling of a false alarm by an alarm system unless five other false alarms have occurred within the preceding 12-month period.
- (c) A penalty or fee imposed for a false alarm must be established by rule based on the type and level of emergency response provided. The fee for more than five false alarms shall not exceed \$75 per false alarm above the number of free responses. If there are more than nine false alarms in a one-year period, the alarm system permit may be revoked.
- (d) Notwithstanding the other provisions of this section, the owner or lessee of premises on which an alarm system is installed may be charged the full costs incurred by the county when the owner or lessee, or the agent or employee of the owner or lessee, intentionally or knowingly activates the alarm system for any reason other than an emergency or threat of an emergency of the kind for which the alarm system was designed to give notice.
- (e) The sheriff or the sheriff's representative shall provide a copy of the rules to a person and assess a fee for the copy in accordance with the open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).

Sec. 237.003. PERMIT REQUIRED; EXCEPTIONS. (a) In a county in which the sheriff regulates alarm systems under this chapter, a person may not use an alarm system without a permit issued in accordance with this chapter.

(b) This chapter does not apply to:

(1) emergency response systems managed by health care facilities licensed by the Texas Department of Health; or

(2) alarm systems installed on:

(A) a motor vehicle;

(B) premises occupied by the United States, this state,

or the county; or

(C) premises located in an incorporated area within the

county.

Sec. 237.004. PERMIT FEES. (a) The sheriff of a county who regulates alarm systems under this chapter may authorize the county auditor to assess and collect fees for the issuance or renewal of a permit under this chapter in reasonable amounts set by the commissioners court.

(b) All fees received under this chapter shall be remitted to the county treasurer to be deposited to the credit of the general fund of the county.

Sec. 237.005. MUNICIPAL AUTHORITY UNAFFECTED. This chapter does not affect the authority of a municipality in the county to enact ordinances regulating alarm systems.

Sec. 237.006. CRIMINAL PENALTY. (a) A person who violates this chapter, an order of the commissioners court, or a rule adopted under this chapter commits an offense.

(b) An offense under this section is a Class C misdemeanor.

Sec. 237.007. COUNTY LIABILITY. The county, the commissioners court, the sheriff, and the sheriff's employees or agents are not liable for an action arising out of the regulation of or failure to regulate alarm systems.

SECTION 2. This Act takes effect September 1, 1991.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

On motion of Senator Green and by unanimous consent, the Senate concurred in the House amendment to S.B. 356 by a viva voce vote.

SENATE BILL 756 WITH HOUSE AMENDMENT

Senator Green called S.B. 756 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment - Uher

Amend S.B. 756 by substituting the following:

A BILL TO BE ENTITLED AN ACT

relating to the permanent advisory committee at the University of Houston-Clear Lake.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 111.84(a) and (c), Education Code, are amended to read as follows:

(a) There is established a permanent advisory committee consisting of the president, or a representative designated by him, of each tax-supported junior college and community college now existing or hereafter established in Harris, Galveston, Fort Bend, Waller, Montgomery, Liberty, Chambers, Wharton, or Brazoria County.

(c) The advisory committee shall periodically study the overall needs of the region mentioned in Subsection (a) of this section for the development of programs and resources in higher education, and as a result of its studies shall make recommendations to the board of regents of the University of Houston System regarding the development of the departments and degree programs of the University of Houston- [at] Clear Lake [City]. The board of regents shall give careful consideration to the recommendations of the advisory committee.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Green moved to concur in the House amendment to S.B. 756.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

SENATE BILL 825 WITH HOUSE AMENDMENTS

Senator Harris of Tarrant called S.B. 825 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment - Carter

Amend S.B. 825 as follows:

- (1) On page 1, line 19, insert "or" after the semicolon.
- (2) On page 1, line 20, strike the semicolon and substitute "1".
- (3) On page 1, strike line 21.

Amendment - Crawford and Denton

Amend S.B. 825 in Section 1 of the bill as follows:

(1) In proposed Section 46.12, Penal Code, add a new Subsection (d) to read as follows:

(d) It is a defense to prosecution that the actor checked all firearms as baggage in accordance with federal or state law or regulations before entering a secured area.

(2) In proposed Section 46.12, Penal Code, reletter existing Subsection (d) as Subsection (e).

The amendments were read.

On motion of Senator Harris of Tarrant and by unanimous consent, the Senate concurred in the House amendments to S.B. 825 by a viva voce vote.

SENATE BILL 764 WITH HOUSE AMENDMENT

Senator Lucio called S.B. 764 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment - Stiles

Amend S.B. 764 as follows:

- (1) On page 1, line 21, strike the word "adequate".
- (2) On page 1, line 22, add the following between the words "protection" and "must":
"at a level consistent with protection provided within the municipality"

Amend S.B. 764 by adding a Section (2) to read as follows and renumbering subsequent sections accordingly:

SECTION 2. Section 43.028, Local Government Code, is amended by adding subsection (g) to read as follows:

(g) Effective January 1, 1991, a general law municipality incorporated after January 1, 1960, shall not annex a tract of land or area, without the landowner's

written petition, which meets the requirements of this section as a sparsely occupied area and is subject to a pending or approved sanitary municipal landfill or transfer station permit, by using a tract of land or area with qualified voters requesting annexation under Section 43.024, Local Government Code, in the event one of the following occurs: (1) the boundaries of the two tracts of land or areas are connected solely by a strip of land less than 1,000 feet in width following the course of a road or highway as defined in Section 43.054, Local Government Code, or (2) any of the qualified voters voting in favor of becoming a part of the municipality under Section 43.024, Local Government Code, reside on land which has been disannexed by the general law municipality within the last ten years. Any such annexation completed after January 1, 1991, is void.

The amendment was read.

On motion of Senator Lucio and by unanimous consent, the Senate concurred in the House amendment to S.B. 764 by a viva voce vote.

GUESTS PRESENTED

Senator Armbrister was recognized and introduced members of the Elgin Chamber of Commerce.

The Senate welcomed these guests.

BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolution:

H.C.R. 223
H.B. 46
H.B. 70
H.B. 79
H.B. 202
H.B. 277
H.B. 991
H.B. 1135
H.B. 1694

(Senator Armbrister in Chair)

HOUSE BILL 69 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 69, Relating to the matching fund requirement for grants from the municipal solid waste management planning fund.

The bill was read second time.

Senator Sims offered the following amendment to the bill:

Amend **H.B. 69** as follows:

On page 1, line 11, after "Code" add:

or a city or county.

On page 1, line 13, between "an application" and "for financial" add:

or amended application

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 69 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that H.B. 69 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

BILL ADDED TO LOCAL AND UNCONTESTED BILLS CALENDAR

On motion of Senator Haley and by unanimous consent, C.S.S.B. 745 by Senator Sims was added to the Local and Uncontested Bills Calendar to be held at 8:00 a.m. Friday, May 10, 1991.

HOUSE BILL 2183 ON SECOND READING

On motion of Senator Dickson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2183, Relating to the punishment for the purchase, possession, or consumption of alcoholic beverages by a minor.

The bill was read second time.

Senator Dickson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **H.B. 2183** by adding new Subsection (d) to Section 106.115 of the Texas Alcoholic Beverage Code to read as follows:

"(d) When requested, an alcohol awareness course may be taught in languages other than English."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Dickson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 2183 ON THIRD READING

Senator Dickson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 2183** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time.

Question—Shall the bill be finally passed?

On motion of Senator Dickson and by unanimous consent, further consideration of **H.B. 2183** was postponed for fifteen minutes.

HOUSE BILL 1873 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1873, Relating to the implementation of federal and state funded child-care programs.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1873 ON THIRD READING

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 1873** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

HOUSE CONCURRENT RESOLUTION 82 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

H.C.R. 82, Affirming the right of parents to choose from a wide variety of quality services and committing the Legislature to meet the child care challenge.

The resolution was read second time and was adopted by a viva voce vote.

HOUSE BILL 2183 ON THIRD READING

The Senate resumed consideration of **H.B. 2183**, the bill having been read third time.

Question—Shall the bill be finally passed?

Senator Carriker offered the following amendment to the bill:

Floor Amendment No. 2

Amend **H.B. 2183** as follows:

On line 65, page 1 change “shall” to “may.”

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

On motion of Senator Dickson and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

The bill as amended was finally passed by a viva voce vote.

HOUSE BILL 739 ON SECOND READING

Senator Henderson asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 739, Relating to brackets establishing ranges of cash advances or balances to which certain rates of charges apply under certain regulated loans.

There was objection.

Senator Henderson then moved to suspend the regular order of business and take up **H.B. 739** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 6.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Lucio, Moncrief, Montford, Parker, Ratliff, Sibley, Sims, Tejeda, Zaffirini.

Nays: Dickson, Ellis, Lyon, Rosson, Truan, Turner.

Absent: Johnson, Whitmire.

Absent-excused: Glasgow.

The bill was read second time and was passed to third reading by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Dickson, Ellis, Lyon, Rosson, Truan and Turner asked to be recorded as voting "Nay" on the passage of the bill to third reading.

MOTION TO PLACE**HOUSE BILL 739 ON THIRD READING**

Senator Henderson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 739** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 16, Nays 12. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Brooks, Brown, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Lucio, Montford, Parker, Ratliff, Sibley, Tejeda, Zaffirini.

Nays: Barrientos, Carriker, Dickson, Ellis, Green, Johnson, Lyon, Moncrief, Rosson, Truan, Turner, Whitmire.

Absent: Bivins, Sims.

Absent-excused: Glasgow.

(Senator Carriker in Chair)

GUESTS PRESENTED

Senator Dickson was recognized and introduced the family members of the late Shelley V. Smith: his wife, Shirley, and sons Shelley Vance Smith, Jr., and Seth Austin Smith.

The Senate expressed their condolences to the family.

An enrolled copy of **S.R. 692**, previously adopted by the Senate on Wednesday, May 8, 1991, was presented by the President to the family.

**COMMITTEE SUBSTITUTE
SENATE BILL 1143 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1143, Relating to state aid for counties that provide secure residential care facilities for certain delinquent children.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1143 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1143** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 55 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 55, Relating to drug-free zones and to the imposition of penalties for the delivery, manufacture, or possession with the intent to deliver or manufacture a controlled substance in drug-free zones.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 55**, SECTION 2, Section 481.131 as follows:

(1) Amend the first sentence of Subsection (g) and add an additional sentence immediately following to read:

(g) One-half of all fines collected for offenses under this section is payable to the comptroller of public accounts. All such fines are hereby appropriated to the Texas Commission on Alcohol and Drug Abuse to be expended for substance abuse prevention, intervention and treatment services for youth. Funds allocated in this section may be used by the commission to meet any federal requirements for receipt for federal funds for chemical dependency prevention and treatment services.

(2) Delete Subsection (h) in its entirety.

The amendment was read and was adopted by a viva voce vote.

Senator Ellis, on behalf of Senator Glasgow, offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 55**, SECTION 2, Section 481.131 (1) as follows:

Delete Section 481.131(4)(b)(1) on page 2, lines 3 through 7.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 55 ON THIRD READING**

Senator Ellis moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 55 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

GUEST PRESENTED

Senator Lucio was recognized and introduced Joe G. Rivera, Cameron County Clerk.

The Senate welcomed this guest.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1316 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1316, Relating to equal rights under the law.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1316** by adding new subsections (f) and (g) to read as follows:

(f) For the purposes of this Act the term "age" has the meaning assigned to it in Article 5221k, Vernon's Texas Civil Statutes.

(g) For the purposes of this Act "discrimination on the basis of disability" refers to discrimination because of or on the basis of a physical or mental condition that does not impair a person's ability to reasonably make, perform, modify, terminate, or enforce a contract in this state.

The amendment was read and was adopted by a viva voce vote.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 1316** as follows:

Add after line 47:

A prevailing defendant is entitled to attorney's fees provided the court finds that the civil rights action is brought in bad faith.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 20, Nays 9.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Green, Haley, Johnson, Lucio, Lyon, Moncrief, Montford, Ratliff, Rosson, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Sibley, Sims.

Absent: Parker.

Absent-excused: Glasgow.

**VOTE ON PASSAGE TO ENGROSSMENT OF
COMMITTEE SUBSTITUTE SENATE BILL 1316 RECONSIDERED**

On motion of Senator Ratliff and by unanimous consent, the vote by which C.S.S.B. 1316 was passed to engrossment was reconsidered.

Question—Shall C.S.S.B. 1316 again be passed to engrossment?

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 1316 by adding on page 1, line 32 after the “.”, Nothing herein shall be construed to permit marriage licenses to be issued for a marriage between persons of the same sex.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

The bill as amended was again passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Sibley asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

MESSAGE FROM THE HOUSE

House Chamber
May 9, 1991

**HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE**

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 700, Relating to the election of justices of the courts of appeals by place.

S.B. 861, Relating to qualifications of directors of the Dallas County Utility and Reclamation District, written notice given to purchasers of real property located in the district, and validation of certain actions of the district.

S.B. 732, Relating to the name of The Texas A&M University System and the names of institutions and agencies under the management and control of the board of regents of the system.

S.B. 11, Relating to the summary forfeiture, disposition, and destruction of controlled substance property, controlled substance plants, simulated controlled substances, volatile chemicals, inhalant paraphernalia, abusable glues, and aerosol paints and to creating an offense of diversion of a controlled substance property or plant; providing criminal penalties.

S.B. 645, Relating to the disposition of certain unclaimed property.

S.B. 187, Relating to the humane destruction of confiscated animals determined to be a threat to public health and safety. (As amended)

S.B. 401, Relating to the continuation of the office of fire fighters' pension commissioner and the powers and duties of that officer and the state board of trustees of the statewide retirement system for volunteer fire fighters.

S.B. 648, Relating to purchase prices and loan amounts on real property purchased under the Veterans Land Program or the Veterans Housing Assistance Program.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

(Senator Carriker in Chair)

COMMITTEE SUBSTITUTE
SENATE BILL 1092 ON SECOND READING

Senator Lucio asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1092, Relating to procedures governing the filing of certain utility proceedings.

There was objection.

Senator Lucio then moved to suspend the regular order of business and take up **C.S.S.B. 1092** for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Rosson.

Absent-excused: Glasgow.

The bill was read second time.

Senator Turner offered the following amendment to the bill:

Amend **C.S.S.B. 1092** by adding after the word "reduction" on line 50 the following: "for all classes and categories of rate payers."

The amendment was read and was adopted by a viva voce vote.

Question—Shall the bill be passed to engrossment?

On motion of Senator Montford and by unanimous consent, further consideration of **C.S.S.B. 1092** was postponed to a time certain of 11:00 a.m. Monday, May 13, 1991.

GUESTS PRESENTED

Senator Armbrister was recognized and introduced students from Smith Elementary School of Victoria.

The Senate welcomed these guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 1326 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1326, Relating to the admissibility of an out-of-court statement by a child and the use of closed circuit television to present a child's testimony to a fact finder in certain circumstances.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1326 ON THIRD READING**

Senator Moncrief moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1326** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Carriker was recognized and introduced Rider High School A Cappella Choir of Wichita Falls and their sponsors.

The Senate welcomed these guests.

MESSAGE FROM THE HOUSE

House Chamber
May 9, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 689, Relating to the administration, collection, and enforcement of the taxes on cigarettes and other tobacco products; making an appropriation; providing penalties.

S.B. 490, Relating to entering into contracts with adjoining states for the improvement of certain public roads and highways.

S.B. 654, Relating to personal property exempt from seizure. (As amended)

S.B. 38, Relating to the establishment of the Medicaid analysis and cost control office. (As amended)

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 911 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 911, Relating to the preparation of an annual report on the availability of substance abuse treatment and prevention services to participants in the criminal justice system.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 911 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 911** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 912 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 912, Relating to the composition of community justice task forces.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 912 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 912** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1230 ON SECOND READING**

On motion of Senator Dickson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1230, Relating to the detention of certain children taken into custody under Title 3, Family Code.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1230 ON THIRD READING**

Senator Dickson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1230** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 491 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 491, Relating to the formulas applicable to the funding of certain public institutions of higher education.

The bill was read second time.

Senator Truan offered the following amendment to the bill:

Amend **C.S.S.B. 491** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0592 to read as follows:

Sec. 61.0592. FUNDING OF FOUR-YEAR INSTITUTIONS CONVERTED FROM UPPER-DIVISION INSTITUTIONS. (a) Notwithstanding Section 61.059 of this code, a formula adopted by the board under that section that provides a differential rate per semester credit hour between four-year general academic teaching institutions and upper-level institutions shall be modified and applied as provided by this section to an institution that is:

(1) a four-year general academic teaching institution that is established by converting an upper-level general academic teaching institution into a four-year institution; or

(2) an upper-level general academic teaching institution that is permitted to admit lower-division students or offer lower-division courses.

(b) The formula for four-year general academic teaching institutions shall be applied to all lower-division semester credit hours regardless of whether the institution's lower-division enrollment is restricted by statute.

(c) If the institution's lower-division enrollment is not permanently restricted by statute:

(1) for the first two state fiscal years that begin after the institution first admits lower-division students or offers lower-division courses, the formula for upper-level general academic teaching institutions shall be applied to upper-division semester credit hours; and

(2) beginning with the third state fiscal year that begins after the institution first admits lower-division students or offers lower-division courses, the formula for four-year general academic teaching institutions shall be applied to upper-division semester credit hours, except that the board shall modify the formula to provide the institution additional funding equal to a percent of the difference between (A) the amount derived from application of the four-year formula to the institution's upper-division semester credit hours and (B) the amount derived from application of the upper-level formula to those semester credit hours; the percent to be applied to that difference is 90 percent for the first fiscal year to which this subsection applies and is reduced by 10 percentage points for each subsequent fiscal year.

(d) If the institution's lower-division enrollment is permanently restricted by statute, the upper-level formula shall be applied only to the institution's upper-division semester credit hours in excess of the average upper-division semester credit hours at other four-year general academic teaching institutions.

(e) The board may discontinue application of the formulas in the manner provided by this section beginning with a state fiscal year for which the board finds that the institution's ratio of the number of upper-division semester credit hours to the number of lower-division semester credit hours equals or exceeds the average ratio at other four-year general academic teaching institutions.

SECTION 2. (a) Sections 61.0592(a), (b), (c), and (e), Education Code, as added by this Act, apply beginning with the state fiscal year ending August 31, 1992, and apply to all institutions that are converted from upper-level general academic teaching institutions to four-year institutions and to all upper-level general academic teaching institutions that are permitted to admit lower-division students or offer lower-division courses, regardless of whether those institutions were converted or the authority to offer the courses or admit the students was granted before, on, or after the effective date of this Act.

(b) Section 61.0592(d), Education Code, as added by this Act, applies beginning with the state fiscal year ending August 31, 1994, and applies to all institutions that are converted from upper-level general academic teaching institutions to four-year institutions and to all upper-level general academic teaching institutions that are permitted to admit lower-division students or offer lower-division courses, regardless of whether those institutions were converted or the authority to offer the courses or admit the students was granted before, on, or after the effective date of this Act.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Truan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 491 ON THIRD READING**

Senator Truan moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 491 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 308 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 308, Relating to fuel labeling and fueling facilities.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 308 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 308 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 75 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 75, Relating to the continuation, composition, and functions of the Texas State Board of Public Accountancy and the regulation of a person who practices public accountancy; creating a scholarship program for certain accounting students to be administered by the Texas Higher Education Coordinating Board; providing a penalty.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Amend C.S.S.B. 75 in SECTION 35 by striking Subsections (b) and (c) of Section 5, Texas Internal Auditing Act (Article 6252-5d, Vernon's Texas Civil Statutes) and inserting in lieu thereof the following:

(b) An individual employed by an agency as an internal auditor prior to September 1, 1991, shall be exempt from the requirements of Subsection (a) of this section. This subsection expires September 1, 1995.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 75 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 75 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1077 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1077, Relating to the adoption of minimal standards for elevators, escalators, and related equipment, the creation of the elevator advisory board, and inspections of elevators, escalators, and related equipment; providing a penalty.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **C.S.S.B. 1077**, SECTION 3, Sec. 754.018, by striking subsection (a) (3) and adding in lieu thereof the following:

The commission shall establish by rule fees sufficient to administer this subchapter.:

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1077 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1077** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Bivins asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1359 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1359, Relating to the creation of the Tri-State Corridor Commission.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1359 ON THIRD READING

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1359** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 853 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 853, Relating to the reimbursement of expenses for the confiscation, analysis, storage, and disposal of controlled substances by a law enforcement agency.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 853 ON THIRD READING

Senator Moncrief moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 853** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1387 ON SECOND READING**

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1387, Relating to the authority of a peace officer to issue a citation requiring a person to appear in court.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1387 ON THIRD READING**

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.B. 1387 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1123 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1123, Relating to regulation of dispensing opticians; providing a civil and criminal penalty.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **S.B. 1123**, SECTION 4, as follows:

(1) On page 2, line 22, after the word "not", strike the words "provide or offer to provide spectacle dispensing services to the public", and substitute in lieu thereof the words "represent himself to the public as a 'Registered Dispensing Optician' or 'Registered Spectacle Dispenser'".

(2) On page 2, line 35, after the word "render", strike the words "spectacle dispensing services or"; and on Line 36, after the word "Act", insert the words "as a contact lens dispenser".

(3) On page 2, line 54, after the word "dispenser,"", insert the words "'registered contact lens technician,'".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1123 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1123** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1436 ON SECOND READING

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1436, Relating to conduct causing injury to a child, elderly individual, or invalid.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1436 ON THIRD READING

Senator Bivins moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 1436 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1368 ON SECOND READING**

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1368, Relating to the offense of solicitation of the delivery of a controlled substance, controlled substance analogue, or dangerous drug.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1368 ON THIRD READING**

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1368 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Johnson was recognized and introduced a group of students from the Sequoyah Learning Center.

The Senate welcomed these guests.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Dickson and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Economic Development might consider the following bills today:

H.B. 1725

H.B. 1144

**NOTICE OF SESSION TO HOLD
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Haley announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:00 a.m. tomorrow and that all bills would be considered on second reading in the order in which they are listed.

RECESS

On motion of Senator Brooks, the Senate at 1:21 p.m. took recess until 8:00 a.m. tomorrow.

SIXTY-SECOND DAY
(Continued)
(Friday, May 10, 1991)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Haley.

SENATOR ANNOUNCED PRESENT

Senator Glasgow, who had previously been recorded as "Absent-excused," was announced "Present."

MESSAGE FROM THE HOUSE

House Chamber
May 10, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 225, Requesting the governor to return **H.B. 553** to the house for further consideration.

H.B. 134, Relating to the qualifications and compensation of presiding judges of administrative judicial regions.

H.B. 1503, Relating to the regulation of a nursing pool and the establishment of standards for the service provided by a nursing pool to a licensed health care facility; providing penalties.

H.B. 1298, Relating to the appraisal of certain property for ad valorem taxation.

H.B. 1047, Relating to compensation of counsel appointed to defend indigent defendants in appellate courts.

H.B. 1979, Relating to providing for methods and procedures for the eradication of boll weevils in cotton; providing penalties.

H.B. 2324, Relating to criminal trespass on land where crops are grown.

H.B. 2288, Relating to the liability of the State Department of Highways and Public Transportation to adjoining property owners.

H.B. 2426, Relating to legal defense of indigent inmates.

H.B. 2266, Relating to the requirement that certain taxpayers establish a tax escrow account at a bank or other financial institution.

H.B. 2795, Relating to investment of certain public funds in certain money market mutual funds.